

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00541

**Paul Andrew Martinez,**  
*Plaintiff,*

v.

**Shane Scott et al.,**  
*Defendants.*

**ORDER**

Plaintiff Paul Andrew Martinez, a former inmate confined within the Smith County Jail proceeding pro se and *in forma pauperis*, filed this civil-rights proceeding pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell. Doc. 3.


On June 13, 2024, the magistrate judge issued a report, recommending that plaintiff's lawsuit be dismissed without prejudice for plaintiff's failure to prosecute his case. Doc. 8. As the magistrate judge highlighted, plaintiff was released from the Smith County Jail on January 11, 2024. He has not updated his address, which was required, or otherwise communicated with the court.

Specifically, the complaint form filed by the plaintiff contains an instruction, stating: "Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint." Doc. 1 at 3. The Local Rules similarly state that a pro se litigant "must provide the court with a physical address . . . and is responsible for keeping the clerk advised in writing of his or her current physical address." Local Rule CV-11(d); *see also Anderson v. Munger*, No. 5:17-cv-175, 2019 WL 2929056, at \*1 (E.D. Tex. July 8, 2019) ("The Court has no duty to locate litigants, particularly where a litigant has been advised of his responsibility to keep a current address with the Court.").

A copy of this report was sent to plaintiff at his last-known address. The docket reflects that the mail was returned as “undeliverable,” with a notation confirming that plaintiff “is no longer at this address.” Doc. 9. Plaintiff has not filed objections.

When there have been no timely objections to a magistrate judge’s report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge’s report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Plaintiff’s lawsuit is dismissed without prejudice for failure to prosecute his own lawsuit. Any pending motions are denied as moot.

*So ordered by the court on January 21, 2025.*

  
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J. CAMPBELL BARKER  
United States District Judge